



Date: June 5, 2023

To: Wanda S. Page, City Manager
Through: G. Keith Chadwell, Deputy City Manager
From: Sean C. Egan, Director of Transportation
Subject: Comprehensive Participation Agreement for the Implementation of the Durham County Transit Plan

Executive Summary

The Durham Transit Governance Interlocal Agreement (ILA), which was recently executed in Spring of 2023, requires the City of Durham to enter into a Comprehensive Participation Agreement (CPA) with Durham County and regional governing board partners (GoTriangle and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization - DCHC MPO). The CPA formally invites City of Durham to be a party to Durham County's transit plan implementation. It also formally recognizes voting and non-voting members of each County's Staff Working Group (SWG) as 'Implementation Partners' that will require future coordination through specific project agreements when appropriate. The CPA specifically defines criteria for eligibility to receive future Durham County Transit Tax revenue funding.

Motion

To resolve that the City Manager be authorized to execute the Comprehensive Participation Agreement for the Implementation of the Durham County Transit Plan.

Background

In the early 2010's, Durham County approved a county-wide transit plan, which included a joint recommendation with Orange County for the development of the Durham-Orange Light Rail Transit (DOLRT) project. In 2013, an interlocal agreement (ILA) was developed and approved by the County Board of Commissioners, DCHC-MPO Board and GoTriangle Board of Trustees. Upon the discontinuation of the DOLRT project, a new governance framework was necessary to guide the implementation of future county transit plans.

In fall of 2021, the Durham Transit Governance Study invited City officials to participate in group interviews and a workshop to identify overall needs of a new governance framework, addressing areas such as membership, voting structures, financial planning, and program & plan development. This feedback provided leadership and guidance to develop draft alternatives for consideration in a new governance framework that was discussed in a joint workshop in spring 2022. Additional meetings through the summer and fall of 2022 resulted in the final Durham Transit Governance Interlocal agreement that was adopted in early 2023.

For additional points of reference, the Durham Transit Governance ILA requires the ILA Parties to review and adopt a series of documents called the Policies & Procedures Manual. These include elements listed below, and are scheduled to be considered for adoption before the end of FY2023 by all three ILA Parties.

1. **Financial Policies & Procedures:** Serves the Parties and Partners as a comprehensive manual regarding relevant financial policies and procedures for the purposes of transit plan implementation. This document includes:
 - a. Operating Fund Balance and Liquidity Policy and Guidelines
 - b. Billing, Payment and Reimbursement Policy and Guidelines
 - c. Debt Policy and Guidelines
 - d. Increased Cost of Existing Services (ICES)
 - e. Carryover Policy (originally approved in 2021, incorporated here for continuity)
 - f. Bus Operating Cost Per Hour Policy
 - g. Exhibit – GoTriangle Financial Policies & Procedures (for reference)
2. **Work Program Amendment Policies:** Serves the Parties and Partners as a comprehensive and clear set of thresholds to define a minor vs major amendment, and associated protocols as to who would need to approve such amendments during prescribed amendment cycles. It also outlines core roles and responsibilities for the SWG Administrator and GoTriangle regarding the processing, review and submission for consideration of any proposed Work Program Amendments.
3. **SWG Bylaws & Operating Procedures:** Serves the Parties and Partners as the formal set of bylaws and clear set of operating procedures for how the SWG is to function, elect officers, and foster collaboration throughout each year to achieve annual work program development needs for transit plan implementation.

The City of Durham, Durham County, GoTriangle and DCHC MPO have been engaging in a series of workshops in 2023. These workshops were facilitated to work through complex details regarding how best to streamline processes, but also equitably operationalize transit plan implementation efforts for all.

Issues and Analysis

While the City of Durham is the largest provider of transit services in Durham County, there is currently no formal role for the City in decision-making on the use of Durham County Transit Tax funding. To address the important role that the City plays in transit in Durham, the proposed CPA provides the City of Durham with one of four votes on the Staff Working Group, the body responsible for reviewing funding requests from project sponsors and making recommendations to the governing bodies responsible for approving the annual budget and work program for Durham County transit investments. The CPA also requires the City of Durham and other project sponsors to enter into project agreements for funded requests, provide reporting and set performance targets. Because the project agreements are new, the CPA allows these agreements to be developed during FY2024 to govern funding in FY2025 and beyond. The CPA and related agreements, policies and procedures enable the City to access substantial project funding. The Draft FY2024 Durham Transit Work Program, for example, allocates \$15.6 million to City of Durham/GoDurham projects.

Alternatives

City Council could decline to authorize the City Manager to execute this agreement. In that case, the City would not have a vote in the approval of future transit work programs and would not receive Durham County Transit Plan reimbursements for GoDurham services and infrastructure improvements.

Financial Impact

There are no immediate financial impacts to executing this agreement. However, if this agreement is not executed, then the City would no longer be eligible to receive Durham County Transit Plan funding for transit services and infrastructure improvements.

Equal Business Opportunity Summary

This Interlocal Agreement was not reviewed for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Contractor Workforce Diversity & Hiring Practices

Due to the nature of this agenda item, obtaining Contractor Workforce Diversity & Hiring Practices information is not applicable.

Attachments

Durham County Transit Comprehensive Participation Agreement
Exhibit A – Transit Governance ILA